

REMARKS

Claims 86, 87, 89, 91, 92, 94, 96 to 107 and 109 to 116 are now pending and being considered (since claims 72 to 85 were previously withdrawn in response to a restriction requirement).

Applicants respectfully request reconsideration of the present application in view of this response.

Applicants thank the Examiner for stating that claims 86, 87, 89, 91, 92, 94, 96 to 107 and 109 to 116 would be allowable if it can be shown where in the specification the claim feature at issue was originally disclosed. Since the claim feature at issue is plainly supported by the present application, as explained below, the subject claims are allowable.

With respect to paragraph one (1) of the Office Action, the prior Amendment was objected to under 35 U.S.C. § 132 because it assertedly introduced new matter in the disclosure.

The claim feature which is at issue is described and disclosed in the application in step 1112 of Figure 17 and the corresponding descriptions (page 42, lines 25-26; page 43, line 26; and page 44, lines 8-11) The feature is also shown in Figures 19 and 20 and their corresponding text in the specification. For these reasons alone, it is respectfully submitted that the claim feature is supported by the present application and therefore does not introduce new matter.

To the extent that new matter objection is maintained, it is respectfully submitted that the Office Action reflects a literalistic and therefore “in haec verba” view of the “new matter” doctrine that is simply inconsistent with to the relevant law defining that doctrine. In the case of *Chemcast Corp. v. Arco Ind. Corp.*, 5 U.S.P.Q..2d 1225, 1237 (E.D. Mich. 1987), for example, the court made plain that:

New matter is matter involving a departure from or in addition to the original disclosure, 37 CFR §1.118. . . . *New matter is not introduced by amendments . . . which merely clarify or make definite that which was expressly or inherently disclosed in the parent application* or which conform the specification to matter originally disclosed in the drawings or claims. . . . *Added subject matter is not new matter when it is “something that might fairly be deduced from the original application.”*

(Quoting *Stearn v. Superior Distributing Co.*, 674 F.2d 539, 544, 215 U.S.P.Q. 1089, 1093 (6th Cir. 1982) (citations omitted)).

Accordingly, in the present case, where there is plain and unequivocal support in the present application, as explained above, the claim feature at issue (“deleting the sessions number if it is included in the stored numbers”) cannot and does not represent new matter.

With respect to paragraph two (2), claim 86 was objected to as to “the number” (“the number in the session information”) and as to “the numbers” (“the stored numbers”). It was requested that the other claims also be conformed in this regard. While the claim objection(s) may not be agreed with, to facilitate matters, claim 86 (and claims 86, 89, 91, 94, 100, 102, 104, 105, 113, and 115) have been rewritten as suggested. No new matter has been added. Approval and entry are respectfully requested.

With respect to paragraph four (4), claims 86, 87, 89, 91, 92, 94, 96 to 107 and 109 to 116 were rejected under the first paragraph of 35 U.S.C. § 112 as to the written description requirement.

It is respectfully submitted that the written description requirement is satisfied for the same reasons explained above that the claim feature at issue is not new matter and is supported by the present application. It is therefore respectfully requested that the written description rejections be withdrawn for essentially the same reasons that the new matter objections have been obviated.

In summary, it is respectfully submitted that all of claims 86, 87, 89, 91, 92, 94, 96 to 107 and 109 to 116 of the present application are allowable at least for the foregoing reasons.



CONCLUSION

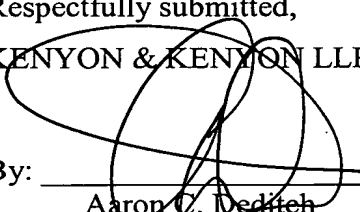
In view of the foregoing, it is believed that the objections and rejections have been obviated, and that claims 86, 87, 89, 91, 92, 94, 96 to 107 and 109 to 116 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,
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Dated: _____

3/10/2006

By: _____


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